

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1371 of 2007 (S/S)
(Old No. 468 of 1998)

1. Sri Vishan Singh S/o Sri Kalam Singh
R/o Village Sond, Post Office Dhotri,
2. Sri Ambika Prasad S/o Chandra Mohan
R/o Village Sora, Post Office Sora,
District Uttarkashi.
3. Sri Ganesh Ram S/o Jogeshwar Prasad
R/o Village Bhetiyara, P.O. Dhotri,
District Uttarkashi.
4. Sri Shambhoo Prasad S/o Patey Ram
R/o Village Bhetiyara, P.O. Dhotri,
District Uttarkashi.
5. Sri Buddhi Singh S/o Suraj Singh
R/o Village Lodada, P.O. Dhotri,
District Uttarkashi.
6. Sri Mava Ram S/o Nityanand
R/o Village & P.O. Sora,
District Uttarkashi.
7. Sri Kishan Singh S/o Kalam Singh Panwar
R/o Village and Post Office Thandi,
District Uttarkashi.
8. Sri Ayodhya Singh S/o Jay Singh
R/o Village Siri, P.O. Dhotri,
District Uttarkashi.

..... Petitioners

Versus

1. The State of U.P.
Through Secretary, (Basic) Education,
Government of U.P., Lucknow.
2. Director of Education (Basic)
Basic Shiksha Parishad,
U.P. Lucknow.
3. District Basic Education Officer
Uttarkashi.

..... Respondents

Mr. Ravi Babulkar, Advocate of the petitioner.
Mr. N.P. Sah, Standing Counsel for the respondents.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the petitioners and learned Standing Counsel for the respondents.

2) By means of this writ petition, (filed before the Allahabad High Court in the year 1998), the petitioners have sought quashing of the advertisement dated 20.09.1997, inviting applications for appointment on the post of Assistant Teachers in Basic Schools, only from the B.T.C. holders. A mandamus has also been sought directing respondent No. 3 to permit the petitioners as candidates in the selection process to be conducted in pursuance of the advertisement dated 20.09.1997 for recruitment of the Assistant Teachers.

3) Brief facts of the case are that the petitioners hold degree of Bachelor of Education (for brevity hereinafter referred as B.Ed.) and they are eligible for being appointed as Assistant Teachers in Basic Schools, after the State Government decided to permit B.Ed. degree holders to be considered for B.T.C. training course, as there were no sufficient B.T.C. holders to be appointed for the post of Assistant Teachers in the Basic Schools. It appears that a Government Order dated 09.09.1994 was issued in this regard in respect of B.Ed. degree and L.T. certificate holders so as to consider them to be appointment as Assistant Teachers in the Basic Schools. In pursuance to said Government Order, advertisement was issued by the respondents on 22.02.1997. The petitioners were

candidates holding requisite qualifications for the purposes of said advertisement, through which some 44 Assistant Teachers were required to be appointed. Petitioners' case is that though, they were interviewed and selected, but no appointment letters were issued to them, and without issuing appointment letters in respect of those 44 posts, fresh advertisement i.e. the impugned advertisement was issued on 20.09.1997, which is under challenge in this writ petition.

4) It appears that some other similarly situated petitioners filed Writ Petition No. 33931 of 2007 before the Allahabad High Court in which interim order dated 14.10.1997 was passed, which reads as under:

“The version of the petitioners is that they have applied for selection on the post of Assistant Teachers and they were selected, but they are not being given appointments. In case, petitioners have been selected, they shall be considered for appointments in respect of any future vacancy and appointments made in pursuance of the impugned advertisement shall be subject to the decision of the writ petition.”

It appears that the petitioners of said writ petition filed another Writ Petition No. 1403 (S/S) of 2004 Yatendra Semwal and others Vs. State of Uttaranchal and others, and in said writ petition vide its order dated 28th February 2005, an interim order has been passed by this Court, in which displeasure appears to have been expressed for non-compliance of the order dated 14.10.1997, quoted

above. Thereafter, the Government Order No. 177/ XXIV (1) /2006 dated 5th April 2006, appears to have been issued by the State Government, permitting the petitioners of aforesaid writ petition by relaxing the condition of age in respect of said petitioners to comply the directions of the High Court.

5) Learned counsel for the petitioners of this case submits that the present petitioners' case is similar to those of the petitioners of Writ Petition No. 1403 (S/S) of 2004.

6) Having heard learned counsel for the parties and after going through the papers on record, this Court is of the view that if the case of the present petitioners is similar to those, who were petitioners in Writ Petition No. 1403 (S/S) of 2004, there should be no difficulty on the part of the respondents to treat them similar, in the light of the Government Order No. 177 / XXIV (1) / 2006 dated 5th April 2006.

7) Therefore, the writ petition is accordingly disposed of directing the respondents to consider the cases of the present petitioners in the light of the aforesaid Government Order No. 177 / XXIV (1) 2006 dated 5th April 2006, if their cases are similar and there is no there impediment as against the present petitioners. It is stated that they have already applied in pursuance to the advertisement dated 09.07.2006 for Special B.T.C. training course.

(Prafulla C. Pant, J.)

Dt. October 11, 2007.
H.Negi